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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,526	09/12/2003	Chao-Tung Shih	PO92270	5294
46103	7590	09/22/2005	EXAMINER	
HDSL 4331 STEVENS BATTLE LANE FAIRFAX, VA 22033			DEXTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/660,526	<b>Applicant(s)</b> SHIH, CHAO-TUNG	
	<b>Examiner</b> Clark F. Dexter	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,8 and 10 is/are rejected.
- 7) ☒ Claim(s) 2 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/12/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-4, 8 and 10) in the reply filed on July 1, 2005 is acknowledged. Claims 5-7 and 9 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### ***Information Disclosure Statement***

2. The information disclosure statement filed on September 12, 2003 has been received and the reference listed thereon has been considered.

### ***Oath/Declaration***

3. Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

### ***Drawings***

4. The drawings are objected to because of the following informalities:

In Figure 2, the lead line for each of numerals 221 and 222 are inaccurate; specifically, numeral 221 should indicate the triangle-like flat panel as described, and numeral 222 should indicate the through hole as described.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities:

On page 3, line 20, "include" is awkward and appears to be inaccurate, and it seems that it should be changed to --inclined-- or the like.

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On page 5, line 5, "29" appears to be inaccurate, and it seems that it should be changed to --28--.

On page 6, line 6, the recitation "a child's safety blind" appears to be inaccurate and is unclear as to what is being described.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 1, "the receiving slot" lacks antecedent basis, and further in line 2, the recitation "an arc-shaped or trapezium blade" is vague as to whether it refers to the blade previously set forth or to another such blade, and it is suggested to change "the receiving slot is configured to receive" to --the blade is-- or the like.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Taiwan

Publication 85219081 (hereafter TW '081).

TW '081 discloses a cutting structure with every structural limitation of the claimed invention including a knife seat, the knife seat including a blade (e.g., 40) vertically installed thereon (i.e., it has a vertical side that forms in part the cutting edge); and a base (e.g., 10) pivotally connected with the knife seat, the base including a cutting board (e.g., 20) located in correspondence with the blade; wherein when a card is placed on the base, the knife seat is pressed rotating to drive the blade downwardly towards the card.

9. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin, pn 6,016,733.

Lin discloses a cutting structure with every structural limitation of the claimed invention including a knife seat, the knife seat including a blade (e.g., 45) vertically installed thereon (i.e., it has a vertical side that forms in part the cutting edge), wherein the knife seat further comprises a notch which includes two inclined surfaces and a curved surface interconnecting the inclined surfaces, a pressing plate (e.g., the top surface of 40); and a base (e.g., 10) pivotally connected with the knife seat, the base including a cutting board (e.g., 20) located in correspondence with the blade; wherein when a card is placed on the base, the knife seat is pressed rotating to drive the blade downwardly towards the card.

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10. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang, pn 6,736,045.

Chang discloses a cutting structure with every structural limitation of the claimed invention including a knife seat, the knife seat including a blade (e.g., 64) vertically installed thereon; and a base (e.g., 10) pivotally connected with the knife seat, the base including a cutting board (e.g., 13) located in correspondence with the blade; wherein when a card is placed on the base, the knife seat is pressed rotating to drive the blade downwardly towards the card.

***Claim Rejections - 35 USC § 102/103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 8 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chang, pn 6,736,045.

Chang discloses a cutting structure with every structural limitation of the claimed invention, wherein the base includes a recessed part, the recessed part comprising a flat panel (e.g., see Figs. 3, 4, located under 13), a through hole (e.g., in the flat panel to the left of the lead line for 13) and a through slot (e.g., 14), and the cutting board includes a column inserted in the through hole.

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In the alternative, if it is argued that Chang does not meet the claim because there is no explicit description of the through hole and the column inserted therein, the Examiner takes Official notice that such connecting structure is old and well known in the art and provides various well known benefits including providing simple and inexpensive connecting structure to facilitate assembly of components. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a connecting structure on the device of Chang for the well known benefits including that described above.

***Claim Rejections - 35 USC § 103***

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, pn 6,736,045.

Chang discloses a cutting structure with almost every structural limitation of the claimed invention, wherein the base includes an opening at a bottom surface thereon and a lid (e.g., 11) to cover the opening. Chang lacks the specific lid connecting structure for connecting the lid to the base; specifically, a plurality of protruding columns on the base, each column having a blind hole therein, and a plurality of protruding cams on the lid. However, the Examiner takes Official notice that such lid connecting structure is old and well known in the art and provides various well known benefits including providing simple and inexpensive connecting structure to facilitate removal of the lid to empty the receptacle. Therefore, it would have been obvious to one having ordinary skill in the art



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to provide such lid connecting structure on the device of Chang for the well known benefits including that described above.

Further, it would have been an obvious matter of design choice to one having ordinary skill in the art to modify the specific lid connecting structure of Chang since applicant has not disclosed that having such structure solves any stated problem or is for any particular purpose and it appears that the lid connecting structure of Chang would perform equally well with the connection disclosed thereby

#### ***Allowable Subject Matter***

14. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
September 18, 2005